



WEB COPY



W.P.No.22779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22779 of 2023

M/s.Pandian Maligai
Rep by its Proprietor, J.Rathinapandi,
Door No.265C, Anthiyur Main Road,
Bhavani, Erode District.

...Petitioners

VS.

1.The State rep by
The Superintendent of Police,
Erode District.

2.The State rep by
The Inspector of Police,
Bhavani Police Station,
Erode District
Cr. No.407 / 2021.

3.The Manager,
Karur Vysya Bank, Bhavani Branch,
994, Bharat Cafe Building, Bhavani,
Erode District.

...Respondents



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PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to withdraw the oral order passed by the Respondent No.2 directing the Respondent No.3 to mark the Petitioner account bearing No. (Karur vysya Bank- Current Account No.1114135000004831-Bhavani Branch) as No Debit.

For Petitioners : Mr.S.Bharanidharan

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been filed for a direction to the respondent-police to de-freeze the bank account of the petitioner that has been maintained in the third respondent-Bank.

2. When the matter came up for hearing on 03.08.2023, this Court passed the following order:

“Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for respondents 1 and 2.

2. According to the petitioner, through an oral direction given by the second respondent, the bank account maintained by the petitioner before the third respondent has been freezed on 06.07.2022.



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3. Learned Additional Public Prosecutor seeks for time to take instructions.

Post on 10.08.2023.”

3. When the matter was taken up for hearing today, the learned Additional Public Prosecutor on instruction submitted that the bank account was freezed on 01.07.2022 and that the mandate under Section 102 of CrPC has not been complied with.

4. Recording the above submission of the learned Additional Public Prosecutor, there shall be a direction to the second respondent to de-freeze the bank account of the petitioner maintained before the third respondent. If the second respondent wants to freeze the bank account of the petitioner, Mandate under Section 102 of CrPC has to necessarily be complied with.

5. This writ petition is disposed of in the above terms.

10.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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N. ANAND VENKATESH, J.

nsa

To

- 1.The Superintendent of Police,
Erode District.
- 2.The Inspector of Police,
Bhavani Police Station,
Erode District
Cr. No.407 / 2021.
- 3.The Public Prosecutor,
High Court, Madras.

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